

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID A. HANO,

Plaintiff,

v.

STATE OF NEVADA, et.al.,

Defendant.

Case No. 2:19-cv-02246-GMN-EJY

ORDER

Before the Court is Plaintiff's letter which asks the Court to send him the rules concerning discovery practice because he has no access to the law library. ECF No. 54. The Court has no duty to do so and ordinarily would not entertain such a request. However, COVID-19 has created certain obstacles for prisoner pro se plaintiffs with which the Court is sympathetic. While the Federal Rules of Civil Procedure are too numerous to copy and provide to Plaintiff, the Court copies and pastes below the Rules pertaining to Interrogatories and Document Requests that are the most frequently used Rules pertaining to discovery.

Accordingly, Plaintiff's letter seeking discovery rules (ECF No. 54) is GRANTED in part and DENIED in part, with Fed. R. Civ. P. 33 and 34 below.

Rule 33. Interrogatories to Parties

(a) IN GENERAL.

(1) *Number.* Unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts. Leave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).

(2) *Scope.* An interrogatory may relate to any matter that may be inquired into under Rule 26(b). An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact, but the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.

(b) ANSWERS AND OBJECTIONS.

(1) *Responding Party.* The interrogatories must be answered:

(A) by the party to whom they are directed; or

(B) if that party is a public or private corporation, a partnership, an association, or a governmental agency, by any officer or agent, who must furnish the information available to the party.

(2) *Time to Respond.* The responding party must serve its answers and any objections within 30 days after being served with the interrogatories. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

(3) *Answering Each Interrogatory.* Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.

(4) *Objections.* The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.

(5) *Signature.* The person who makes the answers must sign them, and the attorney who objects must sign any objections.

(c) USE. An answer to an interrogatory may be used to the extent allowed by the Federal Rules of Evidence.

(d) OPTION TO PRODUCE BUSINESS RECORDS. If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party's business records (including electronically stored information), and if the burden of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by:

(1) specifying the records that must be reviewed, in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could; and

(2) giving the interrogating party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries.

Rule 34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(a) IN GENERAL. A party may serve on any other party a request within the scope of Rule 26(b):

(1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control:

(A) any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or

(B) any designated tangible things; or

(2) to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

(b) PROCEDURE.

(1) *Contents of the Request.* The request:

(A) must describe with reasonable particularity each item or category of items to be inspected;

(B) must specify a reasonable time, place, and manner for the inspection and for performing the related acts; and

(C) may specify the form or forms in which electronically stored information is to be produced.

(2) *Responses and Objections.*

(A) *Time to Respond.* The party to whom the request is directed must respond in writing within 30 days after being served or—if the request was delivered under Rule 26(d)(2)—within 30 days after the parties' first Rule 26(f) conference. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

1 (B) *Responding to Each Item.* For each item or category, the response must
 2 either state that inspection and related activities will be permitted as requested or
 3 state with specificity the grounds for objecting to the request, including the reasons.
 4 The responding party may state that it will produce copies of documents or of
 5 electronically stored information instead of permitting inspection. The production
 6 must then be completed no later than the time for inspection specified in the request
 7 or another reasonable time specified in the response.

8 (C) *Objections.* An objection must state whether any responsive materials
 9 are being withheld on the basis of that objection. An objection to part of a request
 10 must specify the part and permit inspection of the rest.

11 (D) *Responding to a Request for Production of Electronically Stored
 12 Information.* The response may state an objection to a requested form for producing
 13 electronically stored information. If the responding party objects to a requested
 14 form—or if no form was specified in the request—the party must state the form or
 15 forms it intends to use.

16 (E) *Producing the Documents or Electronically Stored Information.* Unless
 17 otherwise stipulated or ordered by the court, these procedures apply to producing
 18 documents or electronically stored information:

19 (i) A party must produce documents as they are kept in the usual course
 20 of business or must organize and label them to correspond to the categories in the
 21 request;

22 (ii) If a request does not specify a form for producing electronically
 23 stored information, a party must produce it in a form or forms in which it is
 24 ordinarily maintained or in a reasonably usable form or forms; and

25 (iii) A party need not produce the same electronically stored information
 26 in more than one form.

27 (c) NONPARTIES. As provided in Rule 45, a nonparty may be compelled to produce
 28 documents and tangible things or to permit an inspection.

Dated this 27th day of January, 2021

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